

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Private Aided Junior Colleges - Smt.S.Megha Mala, W/o Late S.Mallesham contingent employee, Chanikya Junior College(Aided), Panjagutta, Hyderabad – Compassionate appointment – Hon'ble High Court orders dated 16-11-2010 in W.P.No.5474 of 2008 - Permission accorded – Orders – Issued.

HIGHER EDUCATION (IE.II) DEPARTMENT

G.O.Rt.No.107

Dated:13-02-2013

Read the following:-

- 1.Orders of Hon'ble High Court in W.P.No.5474 of 2008,
dt:16-11-2010.
2. Representation of Smt.S.Megha Mala, W/o Late S.Mallesham contingent employee, Chanikya Jr.College(Aided), Panjagutta, Hyderabad dated 10-1-2011.
3. Hon'ble High Court Interim orders dated 20-9-2011 in W.A.No.740 of 2011
4. Hon'ble High Court orders dated 10-2-2012 in C.C.No.981 of 2011
- 5.Hon'ble High Court Interim orders dated 10-09-2012 in WAVMP No.1938 of 2011 in W.A.No.740 of 2011
6. Hon'ble High Court Notice in Contempt Case No.1977 of 2012 dated:07-12-2012.
7. From CIE.Lr.Rc.No.Admn.IB.1/739/2007, dated:17-01-2013
8. From CIE.Lr.Rc.No.Admn.IB.1/739/2007, dated:7-02-2013
9. From CIE.Lr.Rc.No.Admn.IB.1/739/2007, dated:08-02-2013

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ORDER

Smt.S.Megha Mala, W/o Late S.Mallesham contingent employee, Chanikya Jr.College(Aided), Panjagutta, Hyderabad has filed W.P.No.5474 of 2008 for compassionate appointment as her husband (Late S.Mallesham contingent employee (un-aided post) of Chanakya Junior College [defunct], Hyderabad) expired on 05-04-1996. The Hon'ble High Court in the reference 1st read above, "directed to respondents 1 to 3 to appoint the petitioner as a Class-IV employee in any other needy Junior College as was done in the case of Sri V.Srinivasa Rao granting due relaxation of the rules, if required. This exercise shall be completed expeditiously and in any event not later than three months from the date of receipt of a copy of this order."

2. In the reference 2nd read above, Smt.S.Megha Mala, W/o Late S.Mallesham contingent employee, Chanikya Junior College (Aided), Panjagutta, Hyderabad has requested the Government to implement the Hon'ble High Court orders dated 16-11-2010 in W.P.No.5474 of 2008.

3. The Department has filed W.A.No.740 of 2011 before the Division Bench of High Court and the Court in its Interim orders had stayed the Hon'ble Court orders dated 16-11-2010 in W.P.No.5474 of 2008 in the reference 3rd read above. Accordingly, the Hon'ble High Court has dismissed the Contempt Case No.981 of 2011, which was filed by Smt.S.Megha Mala, S/o Late Mallesham in the reference 4th read above. Later, in the reference 5th read above, the Division Bench of Hon'ble High Court has vacated the Interim orders in Writ Appeal No.740 of 2011 in its orders dated 10-9-2010.

4. In the reference 6th read above, Smt.S.Megha Mala, W/o Late S.Mallesham contingent employee, Chanikya Junior College(Aided), Panjagutta, Hyderabad has again filed Contempt Case No.1977 of 2012 for implementation of Hon'ble High Court orders dated 16-11-2010 in W.P.No.5474 of 2008.

5. In the reference 9th read above, the Commissioner of Intermediate Education, A.P., Hyderabad has stated that Late Sri S. Mallesham was originally appointed by the management of Chanakya Junior College, Hyderabad as a contingent employee in an un-aided post. The College was admitted into Grant-in-Aid with effect from 1-4-1994 by the Government vide Go.Ms.No.378, Education Department, dt.20-10-1994. The Government has sanctioned three contingent posts to the College. The services of Sri S. Mallesham, contingent employee were admitted to Grant-in-Aid with effect

from 1-4-1994. He expired on 5-4-1996 while working as contingent employee only. He was not converted in to regular class IV employee as he had not fulfilled the conditions stipulated in G.O.Ms.No.9, F&P (FW.PRC-VI) Department, dt.8-1-1981 at the time of his death. The management of Chanakya Junior College appointed his wife Smt. S. Meghamala as Sweeper on compassionate grounds on 8-4-1996 without obtaining prior permission from the Commissioner's Office.

6. The Commissioner of Intermediate Education, A.P., Hyderabad has further stated that the Chanakya Junior College, Punjagutta became defunct during the year 2007 and all the aided staff was redeployed to needy Government Junior Colleges. The request of Smt. S. Meghamala, Sweeper to redeploy her to any other needy college was rejected by the Commissioner's Office as she is not an aided employee.

7. The Commissioner of Intermediate Education, A.P., Hyderabad has also stated that as per A.P.Last Grade Service Rules as per Annexure-I of G.O.Ms.No.565, General Administration (Ser.B) Department, dt.24-10-1992 for appointment to the post of Sweeper one must be able to read and write Telugu or Urdu or English. But, as seen from the Affidavit filed in the High Court, the individual has affixed her thumb impression, which shows that she is illiterate and not even able to read and write. Further stated that on perusal of a copy Medical certificate issued A.P. Vaidya Vidhan Parishad, Hyderabad Smt. S. Meghamala was 26 years old as on 30-7-1996. As such her date of birth should be around 1970 and she is aged about 43 now. As per rules spouse of a deceased employee can be provided compassionate appointment up to the age 45 years.

8. The Commissioner of Intermediate Education, A.P., Hyderabad has further stated that the contempt case came up for hearing on 8-2-2013. The main case is still pending before the Division Bench. In view of the above, the Commissioner of Intermediate Education, A.P., Hyderabad has requested the Government to consider according permission to appoint Smt. S. Meghamala W/o Late S. Mallesham as contingent employee in needy Government Junior College on purely temporary basis subject to outcome of Writ Appeal No.740 of 2011 duly relaxing the relevant rules in order to implement the orders of the High Court.

9. The Government after careful examination, hereby permit the Commissioner of Intermediate Education to appoint Smt.S.Megha Mala, W/o Mallesham on compassionate grounds by relaxing relevant rules in any needy Government Junior College on purely temporary basis subject to outcome of W.A.No.740 of 2011 pending before the Hon'ble High Court, as a special case. These orders are applicable to the Writ Petitioner only.

10. The Commissioner of Intermediate Education, Hyderabad shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI,
PRINCIPAL SECRETARY TO GOVERNMENT(SE)

To

The Commissioner of Intermediate Education, A.P., Hyderabad, A.P., Hyderabad.

Smt.S.Megha Mala W/o Late S.Mallesham contingent employee, Chanikya Jr.College(Aided), Panjagutta, Hyderabad through Commissioner of Intermediate Education, A.P., Hyderabad, A.P., Hyderabad.

Copy to:

The Additional Advocate-General, A.P.High Court, Hyderabad.

P.S. to Principal Secretary to Government(SE)

The OSD. to M(SE&IE)

SF/SC.

//Forwarded: By order//

SECTION OFFICER